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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,821	05/14/2001	Christopher Spooner	50174.PM050207	7235

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EXAMINER

BELL, MELTIN

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/853,821

Applicant(s)

SPOONER ET AL.

Examiner

Meltin Bell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/9-18-01, 7/5-14-0.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to application **09/853,821** filed **05/14/01**.

Claims 25-48 have been examined. Claims 1-24 have been canceled as requested by the applicant and are hereby withdrawn from consideration.

#### ***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

This application is claiming the benefit of a prior filed nonprovisional application (09/064,824 filed 4/23/98 now USPN 6,256,618) under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required.

#### ***Information Disclosure Statement***

Applicant is respectfully reminded of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's application or thereafter.

The information disclosure statement filed 9/18/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- The De Remer et al reference's date of publication is not confirmed by the handwriting on it.

The information disclosure statement filed 5/14/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- USPN 5,555,345's date of publication on the listing should be 9/10/96.

They have been placed in the application file. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Drawings***

The United States Patent and Trademark Office of Draftsperson's Patent Drawings Review have reviewed the formal drawings. Reasons for any Draftsperson objections under 37 CFR 1.84 or 1.152 will be indicated on the Form PTO-948, Notice of Draftsperson's Patent Drawing Review, if attached.

The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the drawings.

***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities:

- Block 13 is better represented as step 13 in the amended paragraph of page 17, lines 18-21.
- Block 21 is better represented as step 21 on page 13, line 25.
- The reason for choosing two identities in Fig. 10B is unclear from the description on page 19, lines 11-14.
- Block 37 is better represented as step 37 on page 20, line 19 and page 21, line 11.
- Block 56 is better represented as step 56 on page 23, lines 9-10

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76. Richard Spooner's city, state and zip code are not legible.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-48 are rejected under 35 U.S.C. 102(b) as being anticipated by *Simonyi* U.S.

Patent Number 5,911,072 (June 8, 1999).

**Regarding claim 25:**

*Simonyi* teaches,

- receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides... IP tree 2B06")
- matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- self-activating the source tree to interpret the user input (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 26:**

The rejection of claim 25 is incorporated. Therefore, claim 26 is rejected under the same rationale as claim 25.

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**Regarding claim 27:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 28:**

*Simonyi* further teaches,

- means for receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides... IP tree 2B06")
- means for matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- means for self-activating the source tree to interpret the user input (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 29:**

The rejection of claim 28 is incorporated. Therefore, claim 29 is rejected under the same rationale as claim 28.

**Regarding claim 30:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")

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**Regarding claim 31:**

*Simonyi* further teaches,

- a computer usable medium having computer readable program code means embodied in the computer usable medium for causing an application program to execute on a computer system, the computer readable program code means comprising (column 1, lines 23-61, "Computer programs are...by the computer") :
- computer readable program code means for receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides...IP tree 2B06")
- computer readable program code means for matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- computer readable program code means for self-activating the source tree to interpret the user input (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 32:**

The rejection of claim 28 is incorporated. Therefore, claim 29 is rejected under the same rationale as claim 28.

**Regarding claim 33:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")



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**Regarding claim 34:**

*Simonyi* further teaches,

- receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides...IP tree 2B06")
- matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- self-activating the source tree to convert the user input into computer language code (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 35:**

The rejection of claim 34 is incorporated. Therefore, claim 35 is rejected under the same rationale as claim 34.

**Regarding claim 36:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 37:**

*Simonyi* further teaches,

- the computer language code is in a high level language (column 1, lines 23-61, "Computer programs are...by the computer")

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**Regarding claim 38:**

*Simonyi* further teaches,

- the computer language code is in a machine executable form (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 39:**

*Simonyi* further teaches,

- means for receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides... IP tree 2B06")
- means for matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- means for self-activating the source tree to interpret the user input (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 40:**

The rejection of claim 39 is incorporated. Therefore, claim 40 is rejected under the same rationale as claim 39.

**Regarding claim 41:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 42:**

*Simonyi* further teaches,

- the computer language code is in a high level language (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 43:**

*Simonyi* further teaches,

- the computer language code is in a machine executable form (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 44:**

*Simonyi* further teaches,

- a computer usable medium having computer readable program code means embodied in the Computer usable medium for causing an application program to execute on a computer system, the computer readable program code means comprising (column 1, lines 23-61, "Computer programs are...by the computer")
- computer readable pro-ram code means for receiving the user input from a user (Figs. 2A, 6; column 5, lines 14-17, "The editor provides... IP tree 2B06")
- computer readable program code means for matching concept representatives to the user input using experimentation to result in a source tree (Figs. 11A-D; column 24, lines 30-43, "The programmer then...by the user")
- computer readable program code means for self-activating the source tree to interpret the user input (Figs. 1A-B, 2B; column 28, lines 38-57, "Because each value...is then reduced")

**Regarding claim 45:**

The rejection of claim 44 is incorporated. Therefore, claim 45 is rejected under the same rationale as claim 44.

**Regarding claim 46:**

*Simonyi* further teaches,

- the concept representative includes instructions for obtaining the source tree (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 47:**

*Simonyi* further teaches,

- the computer language code is in a high level language (column 1, lines 23-61, "Computer programs are...by the computer")

**Regarding claim 48:**

*Simonyi* further teaches,

- the computer language code is in a machine executable form (column 1, lines 23-61, "Computer programs are...by the computer")

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Simonyi*; U.S. Patent Number 5,911,072
- *Clarisse*; U.S. Patent Number 5,247,651; Interactive Computer Program Specification and Simulation System

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- *Fujinami et al*; U.S. Patent Number 5,261,100; Method of Software Development

- *Notess et al*; U.S. Patent Number 5,438,659; Object-Action User Interface

Management System

- *Tang et al*; U.S. Patent Number 5,454,102; Method and Apparatus for Transferring

Structured Data Using a Self-Generating Node Network

- *Skidmore*; U.S. Patent Number 5,488,714; Computer Program Analyzer for Adapting

Computer Programs to Different Architectures

- *Ganzinger et al*; A truly generative semantics-directed compiler generator; ACM

SIGPLAN Notices, Proceedings of the 1982 SIGPLAN symposium on Compiler

construction; June 1982; Volume 17 Issue 6

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 703-305-0362. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anil Khatri, can be reached on 703-305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MB / *me*

*Wilbert L. Starks, Jr.*

Wilbert L. Starks, Jr.  
Primary Examiner  
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